

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 88-064

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY NO. 88-021

M/A COM, INC.
999 EAST ARQUES FACILITY
SUNNYVALE, CALIFORNIA

The California Regional Water Quality Control Board, San Francisco Bay Region, finds, pursuant to California Water Code Section 13323, that:

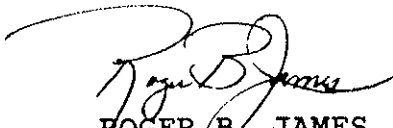
1. M/A Com, formerly known as Microwave Associates and now located in Burlington, Massachusetts, owned and operated a manufacturing facility at 999 East Arques, Sunnyvale, California, from approximately August 1967 to October 1973.
2. Groundwater beneath the site, sampled in December 1986 during an adjacent, ongoing investigation, has been found to be contaminated with the volatile organic compound trichloroethylene (TCE) at a concentration of 9,700 ppb, nearly 2000 times the Department of Health Services' action limits.
3. Information obtained by Regional Board staff indicates that tenants of the property subsequent to the M/A Com occupancy have not used either TCE or the sump on the property which contained sludge contaminated with 87,000 ppb TCE.
4. In an effort to determine likely source(s) of contamination and potential responsible parties, M/A Com was initially asked for a technical report concerning their site history in a letter dated August 17, 1987. Following several documented attempts to contact M/A Com by telephone, a letter specifying administrative penalty provisions of the Water Code was sent by registered mail on November 11, 1987, with a receipt showing delivery on November 16, 1987.
5. On February 8, 1988, Complaint No. 88-021 was issued for Administrative Civil Liability due to failure to submit a technical report by September 14, 1988.
6. Following receipt of a copy of the original Complaint, M/A Com contacted the Regional Board staff by telephone on February 19, 1988, and submitted a report on March 11, 1988, 179 days late.
7. On March 28, 1988 the Complaint was amended to reflect the

actual date of receipt of the required technical report. The Executive Officer proposed that administrative civil liability be imposed to the Regional Board in the amount of \$17,900 pursuant to Section 13268 of the California Water Code for failure to submit a technical report. The proposed liability has not been paid, and the right to a hearing has not been waived.

8. The Regional Board finds that this action is an order to enforce the San Francisco Bay Basin Plan previously adopted by the Regional Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the Resources Agency Guidelines.
9. The Regional Board on April 20, 1988, after due notice to M/A Com, Inc. and other affected persons, conducted a public hearing at which representatives of M/A Com, Inc.

IT IS HEREBY ORDERED, pursuant to Water Code Sections 13323 and 13268(b) that M/A Com, Inc. is civilly liable for this violation and shall pay administrative civil liability in the amount of \$17,900. Payment shall be made within 30 days of the date of this Order to the State Water Pollution Cleanup and Abatement account.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 20, 1988.


ROGER B. JAMES
Executive Officer